

Application No. 10/617,041
Amendment Dated December 22, 2006
Reply to Office Action of August 23, 2006

REMARKS/ARGUMENTS:

Claims 1 – 6 and 8 - 56 are pending in the application, with claims 1, 20, 29, 43 and 49 being independent. Claim 49 is currently amended. No new matter is added.

Applicant has carefully considered the contents of the Office Action and respectfully requests reconsideration and reexamination of the subject application in view of the explanations noted below.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 1, 10 and 14 – 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,639,841 to Salestrom (the Salestrom ‘841 patent) in view of U.S. Patent No. 2,713,668 to Gibilisco (the Gibilisco ‘668 patent).

Applicant respectfully traverses this rejection, since the Salestrom ‘841 and Gibilisco ‘668 patents clearly do not disclose, teach or render obvious the subject matter of independent claim 1.

Independent claim 1 recites, *inter alia*, a lamp holder having power supply and power output connectors, both of which are push-in wire connectors having a movable member adapted to releasably retain an inserted wire and an activating member adapted to move the movable member to release the wire such that the inserted wire is quickly released from the push-in wire connector.

The Salestrom ‘841 patent discloses a modular lighting system 10, as shown in FIG. 3. A transformer 46 is provided power through wire 48 and supplies power through wire 52. The transformer 46 has a male connector (plug) 44 and a female connector 50 that are connected to the transformer by the wires 48 and 52, respectively. The lighting module 18 has a male plug portion 22 from which connector elements 24 protrude at a first end and a corresponding female plug portion 26 at a second end, as shown in FIGS. 3 and 4. The male plug portion 22 of the lighting module is either plugged into the female connector 50 of the transformer or into a corresponding socket 28 of another lighting module 18. A plurality of lighting modules 18 are connected to one another in an end-to-end relationship by the male and corresponding female portions of each lighting module. A light harness 56 may be used to connect light modules 18 that are intended to be spaced apart. The light harness 56 has a

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male plug portion at one end and a female plug portion at the other end similarly to the lighting module 18.

The Gibilisco '668 patent is cited for disclosing an electrical connector 10 having a spring element 26 adapted to receive a wire 22, as shown in FIGS. 1 and 4. A movable member 38 of the spring element receives the inserted wire. A lever 56 flexes the movable member 38 of the spring element 26 such the inserted wire 22 can be removed.

As noted in the Office Action, the Salestrom '841 patent does not disclose a push-in wire connector having a movable member adapted to releasably retain an inserted wire and an activating member adapted to move the movable member to release the wire such that the inserted wire is quickly released from the push-in wire connector, as recited in independent claim 1. However, the Salestrom '841 patent is not modifiable as suggested in the Office Action to modify the connectors of the Salestrom '841 patent with the activating member/quick release connector of the Gibilisco '668 patent.

There is no motivation or suggestion to modify the Salestrom '841 patent with the quick detachable electrical connector of the Gibilisco '668 patent. As stated in lines 15 – 18 of the Gibilisco '668 patent, the quick detachable electrical connector is "for securing and electrically connecting a wire or similar current carrying member to another conductor or current carrying member." Each of the components of the Salestrom '841 patent is connected by a plug and socket connection. Therefore, there is no motivation or suggestion to modify the plug and socket connections of the Salestrom '841 patent with the quick detachable electrical connectors of the Gibilisco '668 patent. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so. In re Kahn, 441 F.3d 977, 986, 78 USPQ2d 1329, 1335 (Fed. Cir. 2006). Furthermore, the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Neither the Salestrom '841 nor the Gibilisco '668 patents discloses the desirability of modifying a plug and socket type connection to be a quick detachable electrical connector. As previously noted, the Gibilisco '668 patent is directed to wiring type connections, not the plug and socket type connections of the Salestrom '841 patent.

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On page 5 of the August 23, 2006 Office Action, it is alleged that it would have been obvious to one skilled in the art at the time the invention was made to modify the connectors of Salestrom to incorporate the connector with activating member/quick-release button of Gibilisco to facilitate easy assembly/disassembly. However, a statement that modifications of the prior art meet the claimed invention would have been well within the ordinary skill of the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. Ex part Levingood, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993). The objective of the Salestrom '841 patent is to provide light modules that may be connected together in an end-to-end relationship. Col. 1, lines 13 – 16. As noted above, the Gibilisco '668 patent is directed to quickly connecting wires. Thus, there is no motivation or suggestion in the Salestrom '841 and Gibilisco '668 patents to modify the Salestrom light modules, or any other components thereof, as suggested.

Furthermore, as stated in lines 13 – 16 of col. 1 of the Salestrom '841 patent, a principal object is “to provide a lighting system comprised of light modules which may be connected together in an end-to-end relationship.” Modifying the male and female plug portions 22 and 26 of the Salestrom '841 patent to have the activating member/quick release connector of the Gibilisco '668 patent would prevent the individual light modules 18 of the Salestrom '841 patent from being connected in an end-to-end relationship, thereby destroying a cited object of the Salestrom '841 patent. Rather than directly connecting the male and female plug portions of the light modules, wires are required to be connected between each light module. Thus, the simple one step connection between male and female ends of the light module would become a three step process in which wire must be provided, one end of the wire inserted into one end of a light module, and the other end of the wire inserted into an end of another light module. A rejection based upon a modification of a reference that destroys the intent and function of the invention disclosed in the reference is not proper. There is no technological motivation for engaging in the suggested modification, rather there is a disincentive to modify the Salestrom '841 patent with the Gibilisco '668 patent as suggested. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Furthermore, all the connections between the various components of the lighting system 10 of the Salestrom '841 patent are plug and socket connections. The Salestrom '841 patent does not disclose or suggest a push-in wire connector having a movable member

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adapted to releasably retain an inserted wire and an activating member adapted to move the movable member to release the wire such that the inserted wire is quickly released from the push-in wire connector. Moreover, because the lighting system of the Salestrom '841 patent discloses plug and socket connections, the Salestrom '841 patent does not contemplate connecting a wire to any component of its lighting system. Thus, the Salestrom '841 patent actually teaches away from having wires connected to the individual light modules 10 with the activating member/quick release connectors of the Gibilisco '668 patent. Teaching away from the claimed invention is a *per se* demonstration of lack of *prima facie* obviousness as it is the antithesis of the reference suggesting that the person of ordinary skill go in the claimed direction. In re Hedges, 783 F.2d 1038, 228 USPQ 685 (Fed. Cir. 1986).

Claims 10 and 14 – 19, being dependent upon independent claim 1, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents, such as the movable member being selected from a group consisting of selected from the group consisting of a connector spring, a detent, a pressure plate, a leaf spring, an aperture defining capture teeth and combinations thereof of claim 16; and the activating member being a quick-release button of claim 17. Therefore, dependent claims 10 and 14 – 19 are not anticipated or rendered obvious by the cited patents, particularly within the overall claimed combination.

Claims 2 – 6, 8 – 9 and 11 - 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Salestrom '841 patent in view of the Gibilisco '668 patent and in further view of Hatch (non-patent literature).

Applicant respectfully traverses this rejection, since the Salestrom '841 and Gibilisco '668 patents and the Hatch non-patent literature clearly do not disclose, teach or render obvious the subject matter of independent claim 1.

The Hatch reference is cited for disclosing an electronic transformer that includes electronic short circuit and overload protection.

The cited Hatch non-patent literature does not cure the above-noted deficiency with regard to the Salestrom '841 patent not being modifiable with the quick detachable electrical connector of the Gibilisco '668 patent. Thus, independent claim 1 is not rendered obvious by

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the Salestrom '841 patent in view of the Gibilisco '668 patent and in further view of the Hatch non-patent literature.

Claims 2 – 6, 8 – 9 and 11 – 13, being dependent upon independent claim 1, respectively, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents, such as the transformer having a mountable side adapted to mount the transformer to an object of claim 5; and a dimmer switch connected to the electrical power supply wire of claim 12. Therefore, dependent claims 2 – 6, 8 – 9 and 11 – 13 are not anticipated or rendered obvious by the cited patents, particularly within the overall claimed combination.

Claims 20 and 24 – 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Salestrom '841 patent in view of the Gibilisco '668 patent. Claims 21 – 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Salestrom '841 patent in view of the Gibilisco '668 patent and in further view of Hatch (non-patent literature).

Claims 29 - 36 and 38 – 40 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Salestrom '841 patent in view of the Gibilisco '668 patent. Claims 37 and 41 – 42 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Salestrom '841 patent in view of the Gibilisco '668 patent and in further view of Hatch (non-patent literature).

Claims 49 - 53 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Salestrom '841 patent in view of the Gibilisco '668 patent. Claims 54 – 56 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the Salestrom '841 patent in view of the Gibilisco '668 patent and in further view of Hatch (non-patent literature)

Applicant respectfully traverses these rejections, because the Salestrom '841 and Gibilisco '668 patents and the Hatch non-patent literature clearly do not disclose, teach or render obvious the subject matter of independent claims 20, 29 and 49.

Independent claims 20, 29 and 49 each recite, *inter alia*, a push-in wire connector having a movable member adapted to releasably retain an inserted wire and an activating member adapted to move the movable member to release the wire such that the inserted wire is quickly released from the push-in wire connector.

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As noted above, the combination of the Salestrom '841 patent, the Gibilisco '668 patent and the Hatch non-patent literature does not disclose, suggest or render obvious the subject matter of claims 20, 29 and 49. Thus, applicant submits that independent claims 20, 29 and 49 are allowable.

Claims 21 – 28, 30 – 42 and 50 - 56 being dependent upon independent claims 20, 29 and 49, respectively, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents, such as the transformer having a mountable side adapted to mount the transformer to an object of claims 22 and 54; a dimmer switch connected to the electrical power supply wire of claim 37; the movable member being selected from a group consisting of selected from the group consisting of a connector spring, a detent, a pressure plate, a leaf spring, an aperture defining capture teeth and combinations thereof of claim 38. Therefore, dependent claims 21 – 28, 30 – 42 and 50 - 56 are not anticipated or rendered obvious by the cited patents, particularly within the overall claimed combination.

Claims 43 – 44 and 46 - 48 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,283,612 to Hunter (the Hunter '612 patent) in view of the Gibilisco '668 patent. Claim 45 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the Hunter '612 patent in view of the Gibilisco '668 patent and in further view of the Hatch non-patent literature.

Independent claim 43 recites, *inter alia*, a method of servicing a luminaire assembly in which the lamp holder and the transformer are attached to the same area, and wires are released from and inserted in push-in wiring connections of the transformer and lamp holder.

The Hunter '612 patent discloses a light emitting diode light strip, as shown in FIG. 1, in which a hollow tube 20 (FIG. 2) houses a printed circuit board 22 (FIGS. 3 and 4). Plugs 62 connected to opposite ends of the tube 20 connect the tube to a connector of a power supply 64 or to a connector of another tube, as shown in FIG. 16. The wires connecting the plugs 62 to the tube 20 are not removable from the tube. Furthermore, the wires connected to the power supply 64 are not removable from the power supply. As shown in FIG. 15, the

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power supply 64 is not intended to be mounted in the same area as the hollow tube 20, as the power supply is mounted on the floor and the tube is mounted on the upper shelf of a cabinet.

The Hunter patent does not disclose the hollow tube and the power supply having removable supply and output wiring terminals from quick-release push-in wiring connections, as recited in independent claim 43. The hollow tube 20 of the Hunter patent does not have removable wires that are releasable therefrom, as recited in independent claim 43. End caps through which electrical wires pass into the hollow tube are secured to the hollow tube with a cement or adhesive to hermetically seal the tube. Col. 5, lines 30 – 46. Thus, the electrical wires are not removable from or insertable in the quick-release, push-in wiring connections in the hollow tube 20.

The power supply 64 of the Hunter patent also does not have removable wires that are releasable therefrom, as recited in independent claim 43. As shown in FIG. 1, neither of the electrical wires extending from the power supply 64 are removable from quick-release, push-in wiring connections in the power supply 64.

Furthermore, the cables 60 are either potted or caulked to prevent the intrusion of water into tube 20. Col. 6, lines 1 – 6. Thus, the Hunter '612 patent cannot be modified to have cables releasable from the tube 20 because to do so would compromise the integrity of the seal between the cable 60 and the tube 20. A rejection based upon a modification of a reference that destroys the intent and function of the invention disclosed in the reference is not proper. There is no technological motivation for engaging in the suggested modification, rather there is a disincentive to modify the Hunter '612 patent with the Gibilisco '668 patent as suggested. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Furthermore, the cable 60 is potted or caulked after being inserted through an end cap 50 such that the cable is not intended to be removable therefrom. Col. 6, lines 1 – 6. Thus, the Hunter '612 patent actually teaches away from the cable 60 being releasable from the tube 20. Teaching away from the claimed invention is a *per se* demonstration of lack of *prima facie* obviousness as it is the antithesis of the reference suggesting that the person of ordinary skill go in the claimed direction. In re Hedges, 783 F.2d 1038, 228 USPQ 685 (Fed. Cir. 1986).

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The Hatch reference is cited for disclosing electronic transformers with various ratings. Thus, the cited Hatch non-patent literature does not cure the above-noted deficiency with regard to the Hunter '612 and Gibilisco '668 patents.

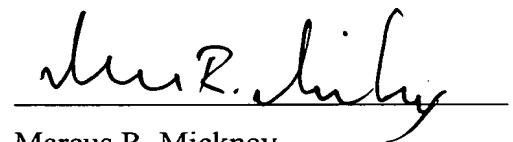
Therefore, the Hunter patent in view of the Gibilisco '668 patent and the Hatch non-patent literature does not disclose or render obvious the claimed features of applicant's invention as recited in independent claim 43.

Because the Hunter patent does not disclose or render obvious independent claim 43, the respective dependent claims 44 – 48 are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents, such as adjusting a position of one of the transformer and the lamp holder of claim 46; and removing or inserting a plurality of bulbs of claim 48. Therefore, dependent claims 44 – 48 are not anticipated or rendered obvious by the cited patents, particularly within the overall claimed combination.

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In view of the foregoing amendments and comments, Applicant respectfully submits that claims 1 – 6 and 8 - 56 are in condition for allowance. Prompt and favorable action is solicited.

Respectfully Submitted,


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